IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WP(C).No. 26962 of 2007(I)

PETITIONERS:

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1. K.S.CHACKO, MEMBER NO. 709
KARIKODE KSHEEROLPADANA SAHARANA
SANGHAM NO K 77 (D) APOOS, RESIDING AT
KALATHOORATH, MEVALLOOR P.O. KOTTAYAM.

2. K.K.RAVI, MEMBER NO. 702,
KARIKODE KSHEEROLPADANA SAHARANA
SANGHAM NO K 77 (D) APOOS, RESIDING AT
KUZHIPILLI,KARIKODE P.O. KOTTAYAM.

3. K.P.OUSEPACHAN,MEMBER NO.715,
KARIKODE KSHEEROLPADANA SAHARANA
SANGHAM NO K 77 (D) APOOS, RESIDING AT
CHEMBAKAPARAMBIL,MEVALLOOR P.O. KOTTAYAM.

4. P.P.KARTHYANI AMMA, MEMBER NO.718.
KARIKODE KSHEEROLPADANA SAHARANA
SANGHAM NO K 77 (D) APOOS, RESIDING AT
PULIKALATH,MEVALLOOR P.O. KOTTAYAM.

5. PAPPACHAN,MEMBER NO. 701,
KARIKODE KSHEEROLPADANA SAHARANA
SANGHAM NO K 77 (D) APOOS, RESIDING AT
KIZHEKKETHELLASERRY MEVALLOOR P.O. KOTTAYAM.

6. SAJEEVAN, MEMBER NO. 717,
KARIKODE KSHEEROLPADANA SAHARANA
SANGHAM NO K 77 (D) APOOS, RESIDING AT
WARIYAMPURATH,MEVALLOOR P.O. KOTTAYAM.

7. BOBAN GEORGE, MEMBER NO. 722,
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT KALAPURAYIL, KARIKODE P.O.KOTTAYAM.

8. SARAMMA, MEMBER NO. 728,
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT KOCHUTHURUTHEL,KARIKODE P.O. KOTTAYAM.

9. CHINNAMMA SUNNY, MEMBER NO. 729,
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT PERUVA P.O.KOTTAYAM.

10. ROY, MEMBER NO. 727
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT CHANGALATHURUTH,KARIKODE P.O.,KOTTAYAM.

11. SAJUMON, MEMBER NO. 720
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT KAZHUNNUKANDATHIL, KARIKODE P.O., KOTTAYAM.

12. PHILIP, MEMBER. NO. 703,
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT VEMBENIYIL,MEVALLOOR P.O. KOTTAYAM.

13. RAJAMMA, MEMBER.NO. 698,
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT KARAKUNNEL,MEVALLOOR P.O. KOTTAYAM.

14. A.U.VARGHESE,MEMBER NO.686,
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT AALIKUZHIYIL,MEVALLOOR P.O. KOTTAYAM.

15. T.S.KRISHNANKUTTY, MEMBER NO.712
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT THEKKUMKATTIL,MEVALLOOR P.O. KOTTAYAM.

16. A.G.OMANA,MEMBER NO. 694
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT THEYATH,MEVALLOOR P.O. KOTTAYAM.

17. E.T.JOHN, MEMBER NO.700
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT ELLATH,MEVALLOOR P.O. KOTTAYAM.

18. BHASKARAN, MEMBER NO.723,
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT THEYATH,MEVALLOOR P.O. KOTTAYAM.

19. P.C.ALIAS,MEMBER NO. 716,
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT PARASERRY,MEVALLOOR P.O. KOTTAYAM.

20. LUSY MATHEW, MEMBER NO.692
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT POKKILATH,MEVALLOOR P.O. KOTTAYAM.

21. SUDARSAN,MEMBER.NO. 696,
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT THEYATH
MEVALLOOR P.O. KOTTAYAM.

22. P.A.THOMAS, MEMBER NO. 691,
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT PARAKOTTIL,MEVALLOOR P.O. KOTTAYAM.

23. SOSAMMA, MEMBER NO. 704,
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT ILLATH,MEVALLOOR P.O. KOTTAYAM.

24. V.R.LAKSHMANAN, MEMBER NO. 714
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT ASHA NIVAS,MEVALLOOR P.O. KOTTAYAM.

25. T.V.SATHYAN,,MEMBER NO. 710
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT THEYATH,MEVALLOOR P.O. KOTTAYAM.

26. SOBANA MOHANAN, MEMBER NO, 707
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT PADINJARAKARAYIL,MEVALLOOR P.O. KOTTAYAM.

27. MANIYAN K.K. MEMBER NO. 705
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT KUNNATH,MEVALLOOR P.O. KOTTAYAM.

28. K.K.KRISHNAN,MEMBER NO.706
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT KUNNATH,MEVALLOOR P.O. KOTTAYAM.

29. MARY KURIAKOSE, MEMBER NO. 709
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT KUNNATH,MEVALLOOR P.O. KOTTAYAM.

30. K.V.PAPPACHAN, MEMBER.NO. 689
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT KALATHOORATH,MEVALLOOR P.O. KOTTAYAM.

31. O.N.MANOHARAN, MEMBER.NO. 687
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT AALIKUZHIYIL,MEVALLOOR P.O. KOTTAYAM.

32. N.K. GEORGE,MEMBER.NO. 693
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT NADUVEETIL,MEVALLOOR P.O. KOTTAYAM.

33. K.R.DINAMANI, MEMBER.NO. 695,
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT KIZHEKKEPALAKATT,MEVALLOOR P.O. KOTTAYAM.

34. T.A.CHACKO,MEMBER.NO. 719
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT AUGUSTHIYATTUSERRY,MEVALLOOR P.O. KOTTAYAM.

35. MOHANAN,MEMBER NO.711,
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT THACHILETHU,MEVALLOOR P.O. KOTTAYAM.

36. BABU.P.A. MEMBER .NO. 699
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT PALAKATT,MEVALLOOR P.O. KOTTAYAM.

37. K.C.GOPALAN,MEMBER.NO. 725.
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO K 77 (D) APOOS, RESIDING AT KARAKUNNEL,MEVALLOOR P.O. KOTTAYAM.

BY ADV. SRI.THAMPAN THOMAS

RESPONDENTS:
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1. THE RETURNING OFFICER
KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO. K 77 (D) APOOS.(DIARY EXTENTION OFFICER, DAIRY DEVELOPMENT OFFICE,KADATHURUTHY.

2. THE DIRECTOR,
DIARY DEVELOPMENT DEPARTMENT,
TRIVANDRUM.

3. KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO.K. 77 (D) APOOS,REPRESENTED BY THE SECRETARY.

4. THE PRESIDENT, ADMINISTRATIVE COMMITTEE, KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO.K 77 (D) APOOS,KOTTAYAM.

5. K.O.JOSEPH, MEMBERSHIP NO.645, KARIKODE KSHEEROLPADANA SAHARANA SANGHAM NO.K 77 (D) APOOS,RESIDING AT KEERIMATTATHIL HOUSE, KARIKODE P.O. KOTTAYAM.

BY ADV. SRI.JOSE JOSEPH ARAYAKUNNEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO.26962 OF 2007 I

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF EXTRACT OF THE PROVISIONS OF THE BYE LAW DT. NIL.

EXT.P2 TRUE COPY OF THE VOTERS LIST ON 24.8.2007.

EXT.P3 TRUE COPY OF THE ELECTION NOTICE ON 24.8.2007.

EXT.P4 TRUE COPY OF THE VOTERS LIST DATED 4.9.2007.

EXT.P5 TRUE COPY OF THE NOTICE DATED 4.9.2007.

EXT.P6 TRUE COPY OF THE LIST DATED 6.9.2007.

RESPONDENTS' EXHIBITS: NIL.

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 26962 OF 2007 I

Dated this the 13th September, 2007

JUDGMENT

Petitioners have approached this Court seeking to quash Ext.P5 order and to direct their inclusion in the final voters list. A further direction is sought to conduct the election including the petitioners' names in the voters list. Learned Government Pleader submits that the petitioners are all enrolled by the Administrative Committee under Section 32 of the Kerala Co-operative Societies Act. This fact is not disputed by Shri Thampan Thomas, learned counsel appearing for the petitioners. In such circumstances, the matter appears to be governed by the decision in Karunakaran Pillai v. Venugopala Pillai (2005 (3) KLT 348) wherein the Court held that even the amended provisions do not confer any power on the Administrator to enroll new Members either under Section 33(2) or under Section 16(2) of the Act. If that be so, the petitioners cannot claim a right to exercise the rights of a Member. The Writ Petition fails and it is dismissed.

K. M. JOSEPH, JUDGE

kbk.